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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,192	12/11/2003	James E. Dickens	BS030418	8045

7590 08/22/2005
Scott P. Zimmerman
P.O. Box 3822
Cary, NC 27519

EXAMINER

EKONG, EMEM

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,192

Applicant(s)

DICKENS ET AL.

Examiner

EMEM EKONG

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2004/0198461 to Daniel J. Coombes (Coombes).

Regarding claim 1, Coombes discloses a system for alerting a subscriber (user) of network-associated information upon receipt of a telephone call, the system comprising:

a base station wirelessly transmitting to an accessory device (mobile communication device) (see figure 1);

the base station receiving the telephone call via a communications network, the base station including a transmitter transmitting only network-associated information to the accessory device (mobile communication device), the network-associated information representing signaling within the communications network, the network-associated information outside a voice portion of the telephone call (see figure 1, abstract, paragraphs 0001, 0002, 0009, and 0010); and

the accessory device (mobile communication device) including a receiver and a display, the receiver receiving the network-associated information and the display presenting the network-associated information (see figure 1, and paragraph 0010),

wherein when the telephone call is received, the accessory device (mobile communication device) presents the network-associated information to the subscriber (user), thus informing the subscriber (user) of the network-associated information associated with the telephone call (see figure 1 and paragraph 0010).

Regarding claim 2, Coombes discloses a system according to claim 1, the accessory device (mobile communication device) further comprising circuitry producing an alerting signal upon activation (see figures 1 and 2, and paragraph 0012).

Regarding claim 3, Coombes discloses a system according to claim 2, wherein the alerting signal is at least one of visual, audible, and tactile (see figure 2, and paragraph 0012).

Regarding claim 4, Coombes discloses a system according to claim 1, wherein the accessory device (mobile communication device) further comprises circuitry producing an alerting signal, the signal alerting the subscriber of receipt of the network-associated information (paragraphs 0010, 0012 and 0014).

Regarding claim 5, Coombes discloses a system according to claim 1, wherein the accessory device (mobile communication device) continuously presents the network-associated information during the telephone call (paragraphs 0015 and 0016).

Regarding claim 6, Coombes discloses a system according to claim 1, wherein the accessory device (mobile communication device) continuously presents the network-associated information until an on-hook condition is detected (paragraphs 0015 and 0016).

Regarding claim 7, Coombes discloses a system according to claim 1, wherein the network-associated information includes an incoming calling line identification (ICLID) signal (see figure 3, paragraphs 0014 - 0016).

Regarding claim 8, Coombes discloses a method for alerting a subscriber (user) of network-associated information associated with a telephone call, the method comprising:

receiving a telephone call at a base station, the telephone call comprising network-associated information representing signaling within the communications network, the network-associated information outside a voice portion of the telephone call (par. 0010);

wirelessly transmitting only the network-associated information from a transmitter to an accessory device (mobile communication device) (paragraphs 0009 and 0010); and presenting the network-associated information to the subscriber(see figure 1, abstract, paragraphs 0001, 0002, 0009, and 0010),

wherein the subscriber is alerted to the network-associated information associated with the telephone call (paragraph 0012).

Regarding claim 9, Coombes discloses a method according to claim 8, further comprising producing an alerting signal upon receipt of the network-associated information (paragraphs 0010, 0012 and 0014).

Regarding claim 10, Coombes discloses a method according to claim 8, further comprising producing a visual alerting signal upon receipt of the network-associated information (see fig. 1, and paragraph 0011).

Regarding claim 11, Coombes discloses a method according to claim 8, further comprising producing an audible alerting signal upon receipt of the network-associated information (paragraph 0012).

Regarding claim 12, Coombes discloses a method according to claim 8, further comprising producing a tactile alerting signal upon receipt of the network-associated information (paragraph 0012).

Regarding claim 13, Coombes discloses a device (mobile communication device) for alerting a subscriber (user) of network-associated information associated with a telephone call, the device comprising:

- a receiver wirelessly receiving network-associated information from a base station, the network-associated information representing signaling within the communications network, the network-associated information outside a voice portion of the telephone call (see figure 1 and paragraphs 0009 and 0010); and

- a display presenting the network-associated information (paragraph 0011), wherein when the network-associated information is received, the device presents the network-associated information to the subscriber (user), thus informing the subscriber of the network-associated information associated with the telephone call (see figure 1, abstract, paragraphs 0001, 0002, 0009, and 0010).

Regarding claim 14, Coombes discloses a device according to claim 13, the device further comprising circuitry producing an alerting signal upon activation (see figures 1 and 2, and paragraph 0012).

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Regarding claim 15, Coombes discloses a device according to claim 14, wherein the alerting signal is at least one of visual, audible, and tactile (paragraph 0012).

Regarding claim 16, Coombes discloses a device according to claim 13, wherein the device continuously presents the network-associated information during the telephone call (paragraphs 0015 and 0016).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to alerting system, method and device:

U.S. Pat. No. 6,119,022 to William Richard Osborn (Osborn et al)

U.S. Pat. No. 5,867,796 to Kyoko Inutsuka (Inutsuka)

U.S. Pat. No. 6,118,979 to Bryan S. Powell (Powell)

U.S. Pat. No. 5,566,224 to Zafar ul Azam (ul Azam et al.)

U.S. Pub. No. 20010055963 A1 to Jocelyn Menlo Cloutier (Cloutier)

U.S. Pub. No. 20030144037 A1 to Federico Fraccaroli (Fraccaroli)

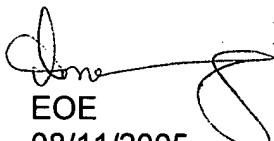
U.S. Pub. No. 20040203835 A1 to Kevin Trottier (Trottier et al.).


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571 272 4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EOE
08/11/2005


RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
8/18/05